

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

FRANKLIN STONE UHL,

Petitioner,

v.

JEFF PREMO,

Respondent.

Case No. 6:18-cv-1123-JE

ORDER

Michael H. Simon, District Judge.

U.S. Magistrate Judge John Jelderks issued Findings and Recommendation in this case on April 7, 2022. ECF 74. Judge Jelderks recommended that the Court deny Petitioner’s Amended Petition for Writ of Habeas Corpus (ECF 33) and enter a judgment dismissing the case with prejudice. No party has filed an objection.

Under the Federal Magistrates Act (“Act”), the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party files an objection to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Jelderks’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Magistrate Judge Jelderks’s Findings and Recommendation, ECF 74. The Court DENIES Petitioner’s Amended Petition for Writ of Habeas Corpus and DISMISSES the case with prejudice.

IT IS SO ORDERED.

DATED this 2nd day of May, 2022.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge